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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Belarus: draft resolution

Inadmissibility of human rights violations through the practice of secret detention and unlawful transfers while countering terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international commitments under the various international instruments in this field,

Recalling the 2005 World Summit Outcome[3] and its specific provision that States must ensure that any measure taken to combat terrorism comply with their obligation under international law, in particular international human rights, refugee and humanitarian law,

Bearing in mind resolution 1507 (2006) and recommendation 1754 (2006) of the Parliamentary Assembly of the Council of Europe, as well as the report of the Working Group on Arbitrary Detention,[4]

Recognizing that international cooperation to fight terrorism must be conducted in strict conformity with international law, including the Charter of the United Nations and relevant international conventions and protocols,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 60/1.
[4] E/CN.4/2006/7.

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1. *Expresses its grave concern* at:

(a) The numerous human rights abuses committed through the practice of secret detention and unlawful inter-State transfers of detainees suspected of involvement in terrorist activities;

(b) The involvement of numerous countries in the practice of secret detention and unlawful inter-State transfers;

(c) The deprivation of hundreds of alleged suspects of their basic human rights, including the right to a fair trial and failure to provide suspects with even basic forms of judicial protection, by illegally detaining or transferring them;

(d) Holding alleged suspects captive for an indefinite period of time in secret detention and failing to ensure their basic legal guarantees;

(e) Unlawful transportation of detainees on civilian aircrafts and the use of civilian airports or military airbases as platforms for illegal transfers of detainees;

(f) Cases of ill-treatment, torture and other cruel, inhuman or degrading treatment of people secretly detained under suspicion of being involved in terrorist activities;

(g) Acceptance of information received from the alleged suspects through interrogation in secret detention;

(h) Widespread violations of various national legal frameworks that outlaw the above-mentioned actions;

2. *Urges* Member States:

(a) To fulfil while countering terrorism the commitments undertaken under the International Covenants on Human Rights[2] and other international human rights instruments, including provisions relating to the right to liberty and security of person, freedom of movement and residence, and freedom from cruel, inhuman or degrading treatment or punishment and arbitrary arrest;

(b) To eliminate the practice of secret detention centres and unlawful inter-State transfers of alleged suspects and ensure that anti-terrorism measures are undertaken in line with the principal international human rights instruments and on the basis of the rule of law;

(c) To ensure that no one is detained arbitrarily or secretly on the national territories of Member States or on the territories within their effective control;

(d) To put an end to the cases of ill-treatment, torture and other cruel, inhuman or degrading treatment of alleged suspects;

(e) To streamline national legal frameworks in order to strengthen accountability mechanisms against human rights abuses while undertaking anti-terrorism measures and to improve legal provisions regulating activities of foreign services on the national territory of Member States;

(f) To encourage an impartial, effective and thorough investigation into any serious allegation of using national territory as a platform for secret detention or unlawful transfers;

(g) To ensure that any person responsible for human rights violations in connection with secret detention or unlawful transfers is brought to justice;

3. *Urges* the appropriate human rights mechanisms to put emphasis on cases of secret detention and unlawful transfers in their reports and to make recommendations on ways to prevent the practice of secret detention and unlawful transfers;

4. *Requests* the Secretary-General to bring the present resolution to the attention of the relevant human rights bodies and mechanisms of the United Nations system.